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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,871

11/10/2005

Masahiro Nagata

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8017

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

04/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,871	Applicant(s) NAGATA ET AL.	
	Examiner ANDREW C. LEE	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to the Application 10533871 filed on 5/05/2005.

Based on the preliminary Amendment filed on 5/05/2005, Claims 1 – 2 had been canceled. New Claims 3 – 4 had been added.

Claims 3, 4 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 5/05/2005 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Tashiro et al. (US 6975836 B2).

Regarding claim 3, Tashiro et al. disclose a content reception and reproduction apparatus (“receiving terminal device”; Fig. 3, col. 5, lines 65 – 67, col. 6, lines 1 – 33) comprising: a reception mechanism for receiving a content through a communication mechanism (col. 1, lines 65 – 67, col. 2, lines 1 - 11); an accumulation mechanism for accumulating said content received by said reception mechanism as a main content (“reproducing and storing means” interpreted as an accumulation mechanism; col. 2, lines 15 – 20, “stand-alone function” interpreted as a main content; col. 6, lines 65 – 67, col. 7, lines 1 – 4); a reproduction mechanism for reproducing said main content (“reproducing and storing means” interpreted as a reproduction mechanism; col. 2, lines 15 – 20, Fig. 6); an auxiliary content acquiring mechanism for acquiring a reproducible content other than said main content as an auxiliary content (“the second stream data” interpreted as an auxiliary content acquiring mechanism; Fig. 15, col. 14, lines 50 – 58); a content switching mechanism for switching a content reproduced by said reproduction means to any one of said main content and said auxiliary content (“element 49 selector” interpreted as a content switching mechanism; Fig. 3, col. 6, lines 40 – 49), wherein a content for reproduction is switched to said auxiliary content when the amount of accumulation of said main contents falls short of a predetermined reference amount during a reproduction of said main contents, and a content for reproduction is returned to said main content when said amount of accumulation exceeds said reference amount

(Fig. 15, col. 7 – 45).

Regarding claim 4, Tashiro et al. disclose a content reception and reproduction method where a content is received through a reception mechanism (col. 1, lines 65 – 67, col. 2, lines 1 – 11), said content is accumulated in an accumulation mechanism as a main content and then said main content is reproduced (“reproducing and storing means” interpreted as an accumulation mechanism; col. 2, lines 15 – 20, “stand-alone function” interpreted as a main content; col. 6, lines 65 – 67, col. 7, lines 1 – 4), comprising the steps of: producing an auxiliary content after the reproduction of said main content is commenced in a state where a reproducible content other than said main content can be acquired (the second stream data” interpreted as an auxiliary content acquiring mechanism; Fig. 15, col. 14, lines 50 – 58); switching a content for reproduction to said auxiliary content when the amount of accumulation of said main contents falls short of a predetermined reference amount during a reproduction of said main contents; and returning a content for reproduction to said main content when said amount of accumulation exceeds said reference amount (“element 49 selector” interpreted as a content switching mechanism; Fig. 3, col. 6, lines 40 – 49; Fig. 15, col. 7 – 45).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Honjo (US 20020061181 A1) discloses method and apparatus for recording/reproduction.
- b) Safadi et al. (Us 20010051037 A1) disclose personal versatile recorder: enhanced features and methods for its use.
- c) Cleary et al. (US 20020174438 A1) disclose system and method for time shifting the delivery of video information.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2619
<4/11/2008>

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619